

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/612,228	FIOLA, SALVATORE	
	Examiner	Art Unit	
	Clark F. Dexter	3724	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address--*

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to the telephone interview on August 4, 2005.
2.  The allowed claim(s) is/are 1-8.
3.  The drawings filed on 05 December 2003 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date 04.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

#### **EXAMINER'S AMENDMENT**

1. An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. Applicant's payment for an extension of time for 1 MONTH along with the required fee of \$60.00 for this extension was received on August 4, 2005. In a letter filed on September 6, 2005, applicant authorized the following changes to the claims by examiner's amendment. Further, additional changes were agreed upon in a telephone conversation on September 6, 2005. Should any of the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. The application has been amended as follows:

#### In the Claims

Claim 1, line 2, "an intermediate recessed" has been changed to --a base--;  
line 3, --into the base and-- has been inserted after "extending";  
line 5, "and" has been deleted;  
line 6, "space" has been changed to --knife slot--;  
line 8, --flexible-- has been inserted after "opposing";  
line 9, "flexibly" has been changed to --pivotally--, and "one" has been changed to --a bottom--;

line 10, "and below" has been deleted, and the following has been inserted after the comma ",":

--said end portions extending higher from the base than the side members, --;

line 11, the following has been inserted after "inner surfaces":

--extending and tapering from a top end to the bottom end of the side members--;

line 16, "space" has been changed to --the knife slots--;

line 17, "side members" has been changed to --respective end portions--.

Claim 5, line 4, --said-- has been inserted before the first occurrence of "members".

Claim 6, line 3, "space therebetween" has been changed to the following:

--knife slot between the end members--, and "and said end portions extending higher" has been changed to a period --.--;

line 4 has been deleted.

Claim 7, line 3, " , said members being pivotable about the" has been changed to a period --.--;

line 4 has been deleted.

In the Specification

Paragraph 0021, line 4, --(not shown)-- has been inserted after "19b";

line 8, "their base (24a, 24b) has been changed to --the base 12--;

line 12, "2" has been changed to --23b--;

line 13, the following has been inserted after "cut":

--with the other hand 51--.

Paragraph 0024, line 1, (a and b not shown);

line 2, "32a-d" has been deleted.

Paragraph 0025, line 4, "17b-d" has been changed to --17b, 18b, 19b--;

line 5, "slots" has been changed to --slot--.

In the Abstract

Line 3, "said" has been changed to --an--;

line 4, "said" has been changed to --the--.

In the Drawings

3. The following changes to the drawings have been approved by the examiner and agreed upon by applicant:

In Figure 3, numerals 25A, 26A, 25B and 26B will be added. These approved drawing changes are shown in the drawing sheet included herewith. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

Remarks

4. Because an agreement was reached on September 6, 2005, no additional extension of time is required, particularly because the application was placed in condition for allowance on the first business day following the deadline for a response, September 5, 2005, which was a holiday.

**REASONS FOR ALLOWANCE**

5. The following is an examiner's statement of reasons for allowance:

None of the prior art of record, either taken alone or in combination, teaches and/or fairly suggests the claimed invention. For example, none of the prior art of record teaches or suggests a device comprising an elongated base having a first end, a second end, and a base slot as claimed; end portions as claimed; a pair of spaced opposing flexible side members having a substantially rectangular configuration and being pivotally attached to the base as claimed, the side members having inner and outer surfaces with tapered, ribbed gripping means on the inner surfaces that extend and taper from a top end to the bottom end of the side members as claimed and ribbed gripping means on the outer surfaces as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can normally be reached on Mondays, Tuesdays, Thursdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (571)272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**Clark F. Dexter**  
**Primary Examiner**  
**Art Unit 3724**

cfd  
September 6, 2005

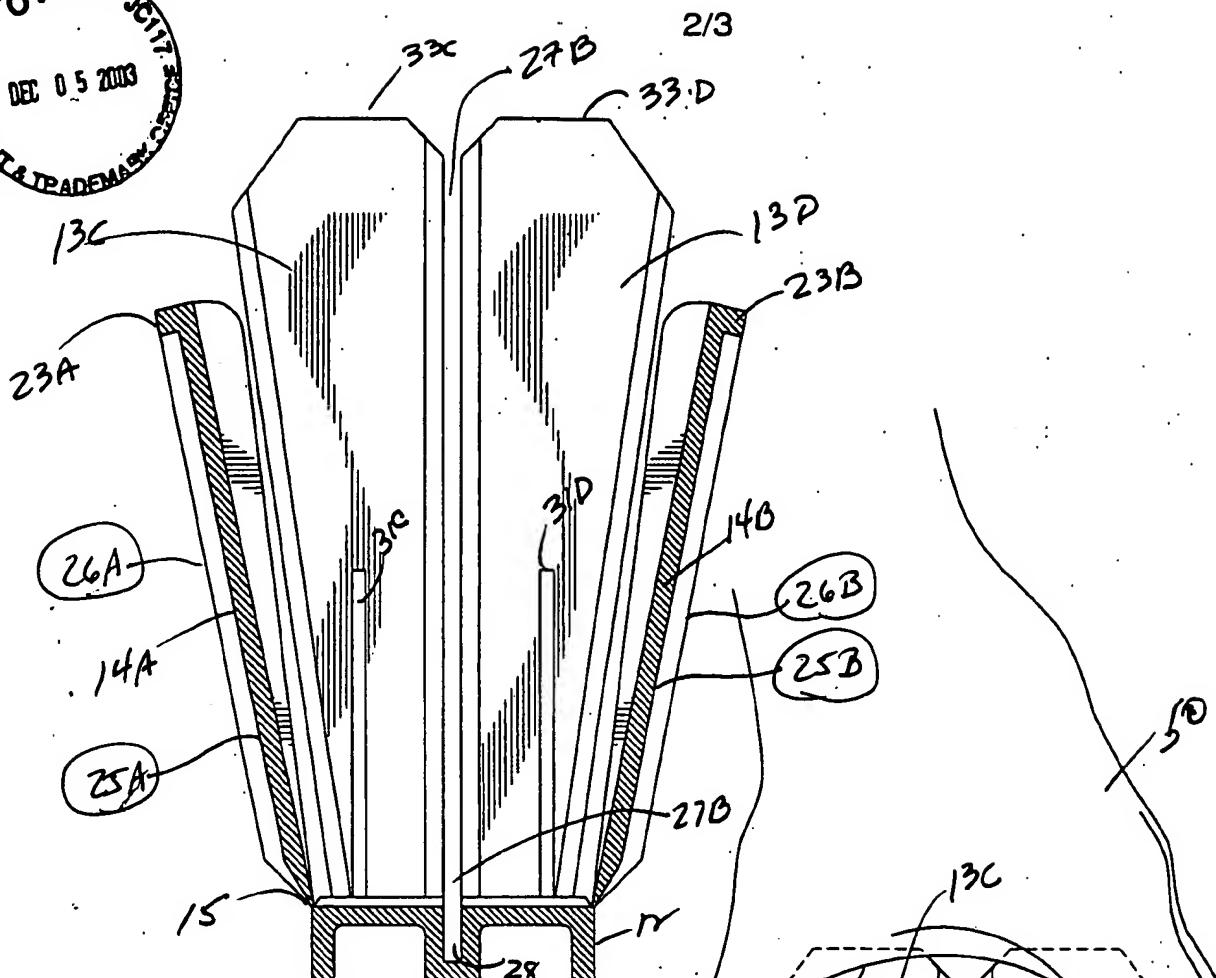
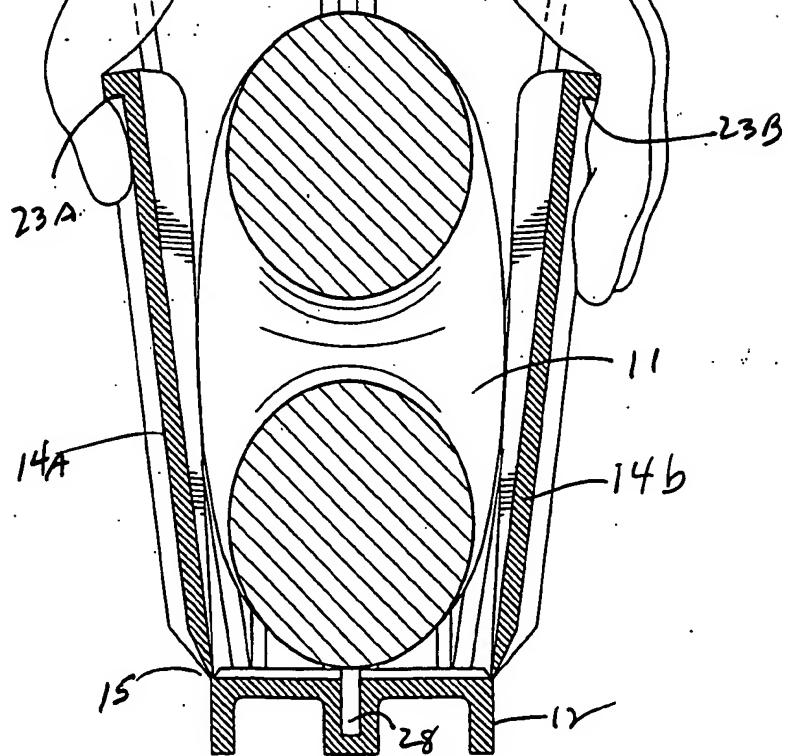


FIG. 3



Approved  
05 9/6/05

FIG. 4